UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GENE RAGUSA,

Plaintiff,

-against-

CITY OF NEW YORK; RAYMOND KELLY, individually and as Commissioner of the New York City Police Department; MICHAEL BLOOMBERG, individually and in his capacity as Mayor of the City of New York; MATHEW PERONE; AHMED KHAN; AND KEVIN DIMINO, individually and in their capacities as officers of the New York City Police Department,

Defendants.

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**JOINT PROPOSED VERDICT SHEET**[1]

12 Civ. 7294 (VEC)(SN)

The parties jointly submit the following proposed Jury Verdict Sheet:[2]

1. Has plaintiff proven by a preponderance of the credible evidence that he was unreasonably stopped by any of the following defendants?

| | | |
|---|---|---|
| Mathew Perrone: | YES ______ | NO _______ |
| Ahmed Khan: | YES ______ | NO _______ |
| Kevin Dimino: | YES ______ | NO _______ |

*(Proceed to Question #2)*

[1] Defendants respectfully submit that the defense of qualified immunity should be determined as a matter of law by the Court. However, if the Court determines that the jury needs to decide certain factual disputes in order for the Court to determine qualified immunity, defendants respectfully reserve their right to revise the Verdict Sheet to include Special Interrogatories.

[2] The parties reserve their right to revise the Verdict Sheet as needed based on rulings of the Court at trial.

2. Has plaintiff proven by a preponderance of the credible evidence that he was unreasonably searched by any of the following defendants?

| | | |
|---|---|---|
| Mathew Perrone: | YES ______ | NO _______ |
| Ahmed Khan: | YES ______ | NO _______ |
| Kevin Dimino: | YES ______ | NO _______ |

3. Has plaintiff proven by a preponderance of the credible evidence that his vehicle was unreasonably searched by any of the following defendants?[3]

| | | |
|---|---|---|
| Mathew Perrone: | YES ______ | NO _______ |
| Ahmed Khan: | YES ______ | NO _______ |
| Kevin Dimino: | YES ______ | NO _______ |

(*If you have answered "No" to all parts of questions 1, 2, and 3 you have completed your deliberations. The verdict sheet should be signed/dated by the foreperson and given to the Marshal.)*

*(If you have answered "Yes" to one of more of any part of the above questions, then please proceed to question #4.)*

4. Has plaintiff proven by a preponderance of the credible evidence that he suffered compensatory damages?

YES _______ NO ______

If "YES," please state the dollar amount plaintiff has proven by a preponderance of the evidence:

$ ___________

If NO, please state the dollar amount of nominal damages you wish to award, not to exceed one dollar:

$ ___________

[3] Defendants respectfully object to Question No. 3 as they completely deny that plaintiff's vehicle was searched.

5. Has the plaintiff proven by a preponderance of the credible evidence that any of the defendants acted maliciously or wantonly, and if so, that plaintiff is entitled to an award of punitive damages?

| | | |
|---|---|---|
| Mathew Perrone: | YES ______ | NO _______ |
| Ahmed Khan: | YES ______ | NO _______ |
| Kevin Dimino: | YES ______ | NO _______ |

If you answered "YES" as to any of the defendants, state the dollar amount of punitive damages you wish to award the plaintiff:

| | |
|---|---|
| Mathew Perrone: | $ _______________ |
| Ahmed Khan: | $ _______________ |
| Kevin Dimino: | $ _______________ |

Foreperson: ____________________________

Date: ____________________________